

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
Vs.)	Criminal No. 10-172
)	
LLOYD BENJAMIN,)	
)	
Defendant.)	

ORDER

AND NOW, this 3rd day of March, 2011, upon consideration of Defendant's Motion for a Review of Detention Order Pursuant to 18 U.S.C. §3145(b) (document No. 65) filed in the above captioned matter on March 2, 2011,

IT IS HEREBY ORDERED that said Motion is DENIED.

Rule 59(a) of the Federal Rules of Criminal Procedure governs the appeal rights found in 18 U.S.C. § 3145(b). An appeal of a Magistrate Judge's detention order must be taken within ten (10) days. The right to review is waived if the appeal is not taken within this time frame. F.R.Cr.P. 59(a); United States v. Hoffman, 2009 WL 1068856 *1 (W.D. Ark. Apr. 21, 2009); see also United States v. Tooze, 236 F.R.D. 442, 443-45 (D.Ariz. 2006).

Defendant was detained by Order dated December 3, 2010, but he did not seek Section 3145 review until March 2, 2011. Therefore, Defendant waived his right to review of his detention order, and any review would be discretionary. On review of Defendant's motion and Magistrate Judge

Swearingen's Detention Order (document No. 50), the Court declines to exercise its discretionary authority to review Defendant's order of detention.

s/Alan N. Bloch
United States District Judge

ecf: Counsel of record